

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

---

In re:

Michael Fody, III

Bky No. 12-45009 (RJK)  
Chapter 7

Paul M. Gayle-Smith  
Plaintiff

Adv. Proc. No. 12-04298

v.

Michael Fody, III  
Defendant

---

**DEFENDANT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF  
LAW**

This case came before the court for trial on June 17, 2013 at 9:00 o'clock a.m. on the plaintiff's complaint seeking an exception from discharge under 11 U.S.C § 523(a)(2) (A). The court now makes the following:

**FINDINGS OF FACT**

1. The defendant filed a petition for relief under Chapter 7 of the United States Bankruptcy Code on August 29, 2012.
2. The plaintiff filed a complaint seeking to except from discharge an unspecified amount of money under 11 U.S.C. § 523 (a)(2)(A).
3. The plaintiff is an unsecured creditor of the defendant.
4. The plaintiff is an attorney who represented the defendant in Merideth Hildreth v. Michel Fody, III, Case Number D-721-DM-200600050, New Mexico District Court.
5. The plaintiff was not paid for all of his services to the defendant.

6. The defendant did not make any false representations to the plaintiff to induce the plaintiff's services.

CONCLUSIONS OF LAW

1. The plaintiff did not meet his burden to except the defendant's debt to him from discharge under 11 U.S.C. 523(a)(2)(A).

IT IS THEREFORE ORDERED

Accordingly, the defendant's debt to the plaintiffs is not excepted from his discharge.

Dated:

---

Robert J. Kressel  
United States Bankruptcy Judge

**UNSWORN DECLARATION FOR PROOF OF SERVICE**

I, David M. Burns, attorney of Michael Fody, III declare that on June 10, 2013, I served an DEFENDANT'S PROPOSED FINDINGS on all filing users of this case by electronic mail via the court's CM/ECF server.

DAVE BURNS LAW OFFICE, LLC

Dated: June 10, 2013

/s/ David M. Burns

David M. Burns #337869  
475 Grain Exchange North  
301 Fourth Avenue South  
Minneapolis, MN 55415  
(612) 677-8351

*Attorney for Debtor*